

ORDERED ACCORDINGLY.



1 **ATCHLEY & DELGADO, LLP** Dated: July 06, 2010
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GEORGE B. NIELSEN, JR
U.S. Bankruptcy Judge

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8 Mark R. Atchley 21419
9 Attorney for Debtor

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12 UNITED STATES BANKRUPTCY COURT
13 DISTRICT OF ARIZONA, PHOENIX DIVISION

14 In re :

15 Carlos Morales,
16 Mandi Marie Miranda,

17 Debtor.

CHAPTER 13 No. 2:10-bk-09623 GBN

ORDER FOR DEFAULT JUDGEMENT

AP NO. 10-ap-00862-GBN

18 Carlos Morales,
19 Mandi Marie Miranda,

20 Plaintiffs,

21 V.

22 Bank of America, N.A.,

23 Defendant.

24
25 **THIS CAUSE** coming on to be heard, and being heard, before the undersigned Judge
26 presiding over the United States Bankruptcy Court for the District of Arizona, Phoenix
27 Division, pursuant to an application for entry of default filed by the Plaintiffs; and

28 **IT APPEARING** to the undersigned that this court has jurisdiction over the parties and
over the subject matter of this matter; and

1 **IT FURTHER APPEARING** to the undersigned that the Defendant was duly served
2 with the summons and complaint in this proceeding and has failed to file any responsive
3 pleading thereto with this Court or the Clerk of this Court; and

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5 **IT FURTHER APPEARING** to the undersigned that the relief requested by the debtors
6 in their motion is consistent with the applicable provisions of Title 11 of the United States
7 Code and that the debtors have established good and sufficient cause to grant said relief;
8 and

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10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

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12 1. That entry of default is hereby made as to the Defendant;

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14 2. That the value of the interest of the Defendant in the residential real estate
15 located at 5240 N. 18th Drive, Phoenix, AZ 85015, **LEGAL DESCRIPTION:**

16 LOT 15, MANCUSO MANOR, ACCORDING TO BOOK 195 OF MAPS, PAGE 12,
17 RECORDS OF MARICOPA COUNTY, ARIZONA.

18 in this case is hereby valued at zero;

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20 3. That this Court disallow any secured claim filed by Defendant;

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22 4. That upon entry of the discharge order in this case, the Defendant is hereby
23 ordered to cancel and mark paid its second deed of trust and must provide the debtors with
24 proof thereof within thirty (30) days; and

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26 5. That upon entry of the discharge order in this case, the Defendant is hereby
27 ordered to mark as paid in full all loan documents related to the second deed of trust and to
28 deliver such documents to the Debtors within thirty (30) days.

6. Notwithstanding any other term or provision herein to the contrary, in the event that the Debtor sell or refinance the Property prior to the completion of the Plan and receipt of a discharge under 11 U.S.C. §1328, the Creditor Deed of Trust shall be avoided to accommodate such sale or refinancing.

7. That the attorney for the debtors should be awarded an additional non base attorney fee of \$1,000.00 to be paid under the Chapter 13 plan of the debtors in this case.

8. The Clerk shall close this file.

SIGNED AND DATED ABOVE